

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EDMUND FIELDS, #487029,

Petitioner,

v.

CASE NO. 2:12-CV-12658
HONORABLE DENISE PAGE HOOD

DAVID BERGH,

Respondent.

ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL

This is a habeas case brought pursuant to 28 U.S.C. § 2254. Petitioner, a Michigan prisoner, is challenging the validity of his second-degree murder and felony firearm convictions. This matter is before the Court on Petitioner's motion for appointment of counsel. Petitioner states that he cannot afford counsel, that he may need counsel if an evidentiary hearing is conducted, and that the issues in this case are complex. Petitioner has submitted his habeas petition and supporting documents, but Respondent has not yet filed an answer to the petition or the state court record.

Petitioner has no absolute right to be represented by counsel on federal habeas corpus review. *See Abdur-Rahman v. Michigan Dept. of Corrections*, 65 F.3d 489, 492 (6th Cir. 1995); *see also Wright v. West*, 505 U.S. 277, 293 (1992) (citing *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987)). “[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right.” *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (quoting *United States v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965)). Petitioner has submitted his pleadings in support of his claims. Neither an evidentiary hearing nor discovery

are necessary at this time, and the interests of justice do not require appointment of counsel. *See* 18 U.S.C. § 3006A(a)(2)(B); 28 U.S.C. foll. § 2254, Rules 6(a) and 8(c). Accordingly, the Court **DENIES** Petitioner's motion for appointment of counsel. The Court will bear in mind Petitioner's request if, upon further review of the case, the Court determines that appointment of counsel is necessary. Petitioner need not file an additional motion concerning this issue.

IT IS SO ORDERED.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: July 24, 2012

I hereby certify that a copy of the foregoing document was served upon Edmund Fields #487029, 3225 John Conley Drive, Lapeer, MI 48446 and counsel of record on July 24, 2012, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry
Case Manager